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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,870	07/03/2001	Patrick Droz	CH9-2000-0022	4122
7590	06/13/2005		EXAMINER	
Anne Vachon Dougherty 3173 Cedar Road Yorktown Hts, NY 10598				TRAN, THIEN D
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,870	DROZ ET AL.	
	Examiner	Art Unit	
	Thien D. Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-11, 13 and 14 is/are rejected.
- 7) Claim(s) 5, 12 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being participated by Angle et al (U.S Patent No. 6,661,788 B2).

Regarding claims 1, 8 Angle discloses a method for processing data packets in a router having a plurality of input ports, a plurality of output ports and more than one forwarding logic, and output schedule logic (packet processing unit), hereinafter packet processing unit, figure 1, for deriving from port numbers, QoS information... etc (a piece of information), col.4 line 58 to col.5 line 13 associated to each data packet one of said plurality of output ports to forward said data packet to, col.6 lines 50-65, said method comprising the steps:

determining one packet processing unit of said more than one packet processing units in response to an appearance of a data packet at one of said input ports, col.4 lines 22-33;

requesting from said determined packet processing unit an identification of a respective output port derived from a piece of packet information indicating where to forward said data packet to, col.6 lines 50-65; and

forwarding said data packet to said identified output port, col.14 lines 15-33.

Regarding claims 2, 9 Angle discloses that packet processing units derive from said piece of information associated to each data packet additional information about a desired classes of services for packets (packet treatment and alterations), hereinafter packet treatment and alterations to be applied to the data packet, col.11 lines 35-45, said requesting from said determined packet processing unit includes a request for an identification of what desired treatment and what alterations are to be applied to the data packet, and said method further comprises a step of granting and accepting (applying) said desired treatment and said alterations to the data packet, col.11 lines 45-65.

Regarding claims 3, 10 Angle discloses that piece of information includes a destination address associated to each data packet, col.4 lines 26-33.

Regarding claim 4, Angle discloses that determining one packet processing unit is based on a vector indicators associated to classes of services (split of an identifier vector space formed by the complete range of identifier vectors consisting of a set of fields included in the said data packets), col.11 line 55 to col.12 line 18.

Regarding claim 6, Angle discloses that determining one packet processing unit is additionally based on information about the amount of traffic in packets (workload) of every single packet processing unit, whereby said information about the workload is

periodically provided to be utilized for determining one packet processing unit, col.7
lines 5-25.

Regarding claim 7, Angle discloses that the packet processing units exploit the grant (knowledge) of the method of determining the particular packet processing unit for processing the data packet in order to ensure the fair access (advantageously adjust their packet processing methods) to take advantage of the said knowledge, col.11 lines 25-45.

Regarding claim 11, Angle discloses that the system is situated at an input port, col.9 lines 45-60.

Regarding claim 13, Angle discloses that a router having a plurality of input ports, a plurality of output ports and more than one packet processing unit for deriving from a piece of information associated to each data packet one of said plurality of output ports to forward said data packet to, col.4 lines 1-35.

Regarding claim 14, Angle discloses that computer program product stored on a computer usable medium, comprising computer readable program means for causing a computer to perform, col.3 lines 50-65.

Allowable Subject Matter

3. Claim 5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 03/15/2005 have been fully considered but they are not persuasive.

Applicant argues that Angle does not teach a router having more than one packet processing for deriving an output port from a piece of information associated to each data packet. However, Examiner respectfully disagrees with the argument because Angel teaches a router having a plurality line cards containing more than one forwarding logic, and output schedule logic (packet processing unit), figure 1, for deriving the port from the header information (a piece of information), col.4 lines 25 to 33 associated to each data packet one of said plurality of output ports to forward said data packet to, col.6 lines 50-65.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

DUC HO
PRIMARY EXAMINER


6-8-08